

S.R. 711 - By Barrientos: Honoring Charles Ray Burton of Austin on the occasion of his 61st birthday.

ADJOURNMENT

Senator Haley announced at 8:21 a.m. that the Senate would stand adjourned, in memory of Shelley V. Smith of Abilene, until 9:00 a.m. today.

SIXTY-THIRD DAY (Friday, May 10, 1991)

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by President Pro Tempore Glasgow.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

God of peace, as we assemble this morning, we do so in gratitude for the many ways You have blessed each of us. It is our prayer that today's session will engage the very best of the Members as they seek to resolve the tough but solvable issues before them. We thank You for these who govern and probe for a better government. In this honored place may they always stand without fear and be heard.

And lest we forget, for those on foreign soil continuing to stand watch against tyranny and oppression, we offer this prayer. May their courage match whatever challenge they encounter this day. In Jesus' name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 1235

On motion of Senator Brooks and by unanimous consent, Senator Rosson will be shown as Co-author of **S.B. 1235**.

CO-AUTHORS OF SENATE BILL 1596

On motion of Senator Turner and by unanimous consent, Senators Dickson, Ellis, Haley, Lucio, Sims, Barrientos, Leedom, Sibley, Harris of Tarrant and Carriker will be shown as Co-authors of **S.B. 1596**.

REPORTS OF STANDING COMMITTEES

Senator Glasgow submitted the following report for the Committee on State Affairs:

C.S.S.B. 1520

Senator Green submitted the following report for the Committee on Jurisprudence:

C.S.H.B. 66

Senator Dickson submitted the following report for the Committee on Economic Development:

C.S.S.B. 525

Senator Barrientos submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with the recommendation that they be confirmed.

To be a Member of the AGRICULTURAL RESOURCES PROTECTION AUTHORITY: Ms. Jane N. Saginaw, Dallas County.

To be Members of the BOARD OF REGENTS, TEXAS SOUTHERN UNIVERSITY: Joe M. Bailey, Harris County; Rufus Cormier, Jr., Harris County; Jenard M. Gross, Harris County.

To be Members of the BOARD OF DIRECTORS, TRINITY RIVER AUTHORITY: Jake Caprielian, Houston County; Joseph C. Gerard, Henderson County.

To be a Member of the TEXAS MOTOR VEHICLE COMMISSION: Jerry Eversole, Harris County.

To be CHIEF JUSTICE OF THE COURT OF APPEALS, FIRST SUPREME JUDICIAL DISTRICT: Judge Alice Oliver Trevathan, Harris County.

PERMISSION TO INTRODUCE BILLS AND RESOLUTION

Senator Brooks moved to suspend Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) to permit the introduction of the following bills and resolution:

S.C.R. 134	S.B. 1593
S.B. 1589	S.B. 1594
S.B. 1590	S.B. 1595
S.B. 1591	S.B. 1596
S.B. 1592	

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 38 WITH HOUSE AMENDMENTS

Senator Brooks called S.B. 38 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Amendment - Granoff

Amend S.B. 38 as follows:

(1) On page 6, line 8, strike "Act" and substitute "chapter".

(2) On page 6, line 9, between "agencies," and "that", insert "other than the office of the governor".

(3) On page 6, between lines 10 and 11, insert the following:

Sec. 329.012. SUBMISSION OF REPORTS TO GOVERNOR. A report required to be submitted to the board under this chapter shall also be submitted to the governor at the same time.

(4) On page 6, line 11, strike "329.012" and substitute "329.013".

Amendment - Junell

Amend S.B. 38 by adding after line 10 of page 5 a new subsection to read as follows:

(b) The office may submit to the legislature no later than July 20, 1991 a plan detailing legislative actions necessary to implement the solutions proposed in the October 1990 report from the Office of the Comptroller entitled "Dollars We Deserve, Part IV: Texas Medicaid Suffers Federal Funds Shortfall".

The amendments were read.

Senator Brooks moved to concur in the House amendments to S.B. 38.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HOUSE CONCURRENT RESOLUTION 225

The President Pro Tempore laid before the Senate the following resolution:

H.C.R. 225, Requesting the governor to return **H.B. 553** to the house for further consideration.

The resolution was read.

On motion of Senator Leedom and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

CONFERENCE COMMITTEE ON HOUSE BILL 393

Senator Sims called from the President's table for consideration at this time the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.B. 393** and moved that the request be granted.

The motion prevailed.

The President Pro Tempore asked if there were any motions to instruct the Conference Committee on **H.B. 393** before appointment.

There were no motions offered.

Accordingly, the President Pro Tempore announced the appointment of the following conferees on the part of the Senate on the bill: Senators Sims, Chair; Bivins, Armbrister, Harris of Tarrant, Brown.

CONFERENCE COMMITTEE ON HOUSE BILL 1050

Senator Harris of Tarrant called from the President's table for consideration at this time the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.B. 1050** and moved that the request be granted.

The motion prevailed.

The President Pro Tempore asked if there were any motions to instruct the Conference Committee on **H.B. 1050** before appointment.

There were no motions offered.

Accordingly, the President Pro Tempore announced the appointment of the following conferees on the part of the Senate on the bill: Senators Harris of Tarrant, Chair; Green, Sibley, Moncrief, Sims.

SENATE BILLS AND RESOLUTION ON FIRST READING

Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) having been suspended, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.C.R. 134 by Barrientos Finance
Directing the Bond Review Board to study the allocation and use of private activity bonds in this state.

S.B. 1589 by Bivins Education
Relating to assessing the impact of legislation establishing additional institutions.

S.B. 1590 by Moncrief Intergovernmental Relations
Relating to the qualifications for judges of municipal courts of record in Fort Worth.

S.B. 1591 by Brooks Intergovernmental Relations
Relating to county budget officers.

S.B. 1592 by Brooks Jurisprudence
Relating to the appointment of a former or retired justice of the peace to serve as temporary justice.

S.B. 1593 by Brooks Intergovernmental Relations
Relating to the salary of the county judge of certain counties.

S.B. 1594 by Sims Intergovernmental Relations
Relating to the authority of the Rankin County Hospital District relating to purchases and construction contracts.

S.B. 1595 by Sims Natural Resources
Relating to the establishment and funding of a young farmer endowment program.

S.B. 1596 by Turner, Armbrister, Glasgow, Lyon, Finance
Moncrief, Montford, Parker, Ratliff, Carriker, Dickson, Johnson,
Ellis, Haley, Lucio, Leedom, Barrientos, Sims, Sibley,
Harris of Tarrant
Relating to procedures to reduce the backlog of convicted felons confined in county jails awaiting transfer to the institutional division of the Texas Department of Criminal Justice, to a performance payment program to counties that successfully divert offenders from confinement in the institutional division, to the composition of the Criminal Justice Policy Council and the Criminal Justice Coordinating Council, to the composition of community justice councils, to the award of time for good conduct, and to the repeal of certain statutes related to criminal offenses.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 378, To Committee on Criminal Justice.

H.B. 1200, To Committee on State Affairs.

H.B. 1492, To Committee on Criminal Justice.

H.B. 1749, To Committee on Criminal Justice.

H.B. 2161, To Committee on Economic Development.

H.B. 2825, To Committee on Economic Development.

HOUSE BILL 2102 REREFERRED

On motion of Senator Truan and by unanimous consent, **H.B. 2102** was withdrawn from the Committee on Education and rereferred to the Committee on Finance.

CAPITOL PHYSICIAN

Senator Sims was recognized and presented Dr. Ramon Garcia of Del Rio.

Dr. Garcia, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

COMMITTEE OF THE WHOLE SENATE

On motion of Senator Brooks and by unanimous consent, the Senate at 9:09 a.m. resolved into a Committee of the Whole Senate with Senator Brooks presiding.

IN LEGISLATIVE SESSION

The President called the Senate to order at 11:35 a.m. as In Legislative Session.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas

May 10, 1991

TO THE SENATE OF THE SEVENTY-SECOND LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS WATER COMMISSION, for a term to expire August 31, 1991:

JOHN L. HALL

5209 Dry Wells

Austin, Texas 78749

Mr. Hall will be filling the unexpired term of Cliff Johnson of Palestine, who resigned.

TO BE A MEMBER OF THE JUDICIAL DISTRICTS BOARD, for a term to expire December 21, 1994:

DAVID A. TALBOT, JR.

2500 Mountain View Drive

Austin, Texas 78704

Mr. Talbot will be replacing Leonard E. Davis of Tyler, whose term expired.

TO BE A MEMBER OF THE STATE PRESERVATION BOARD, for a term to expire February 1, 1993:

JOSEPH F. PINNELLI

2001 Exposition Blvd.

Austin, Texas 78703

Mr. Pinnelli will be replacing Dealey Herndon of Austin, whose term expired.

Respectfully submitted,

/s/Ann W. Richards
Governor of Texas

REPORT OF STANDING COMMITTEE

Senator Brooks submitted the following report for the Committee of the Whole Senate:

C.S.S.B. 31

COMMITTEE SUBSTITUTE SENATE BILL 31 SET AS SPECIAL ORDER

On motion of Senator Brooks and by unanimous consent, C.S.S.B. 31 was Set as Special Order for 11:00 a.m. Tuesday, May 14, 1991.

COMMITTEE SUBSTITUTE SENATE BILL 39 ON SECOND READING

Senator Barrientos asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 39, Relating to the creation of the higher education grievance panel and to grievance procedures for faculty members of public institutions of higher education.

There was objection.

Senator Barrientos then moved to suspend the regular order of business and take up C.S.S.B. 39 for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 6.

Yeas: Armbrister, Barrientos, Brooks, Dickson, Green, Harris of Tarrant, Henderson, Johnson, Krier, Lucio, Moncrief, Montford, Parker, Ratliff, Rosson, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris of Dallas, Leedom, Sibley, Sims.

Absent: Carriker, Ellis, Glasgow, Haley, Lyon.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Amend C.S.S.B. 39 by adding a new SECTION 2 to read as follows and renumbering the following sections accordingly:

SECTION 2. The Higher Education Coordinating Board shall develop reasonable fees to recover any administrative costs associated with the administration of this act. Such fees shall be levied in equal amounts on the aggrieved faculty member and the employer in each proceeding. Fees assessed against an employer shall be paid out of that institution's local funds.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 39 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 39 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Henderson, Johnson, Krier, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Leedom, Sibley, Sims.

Absent: Glasgow, Harris of Dallas.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Sibley, Sims, Brown and Leedom asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

House Chamber
May 10, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 108, In memory of Sophia Philquist.

H.C.R. 138, Requesting that the United States Postal Service establish a separate zip code and post office for the city of Barrett, Texas.

S.C.R. 120, Commending the country of Switzerland and its citizens for the role they have played in bringing about better understanding and more cooperation among other nations.

S.C.R. 113, Honoring Captain Russell Bryant, Sr.

S.C.R. 111, Expressing appreciation to Dr. Herman F. Mark for his outstanding achievements and extending best wishes for a celebratory 96th birthday.

H.C.R. 216, In memory of Donald Ferrell.

H.C.R. 22, Commemorating the sesquicentennial of the city of Dallas.

H.C.R. 210, Honoring Hallie Stillwell.

H.C.R. 217, Congratulating Richland College for its 20 years of service to the community.

H.C.R. 219, Designating December 15, 1991, as Bill of Rights Day.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 218 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 218, Relating to the substitution of employment experience as a first-year teacher for the student teaching component of a teacher education program.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 218 ON THIRD READING**

Senator Lucio moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 218** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1103 ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1103, Relating to the prevention of pollution from oil and gas exploration, development, and production activities, including the creation of an oil-field cleanup fund and the imposition of certain fees; providing a penalty.

The bill was read second time.

Senator Sims offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1103** as follows:

In SECTION 1, Section 91.1100:

(1) Delete the first two lines of Subsection (d) and substitute in lieu thereof the following:

(d) As hereinafter provided, money in the fund may be used by the commission or its employees or agents for:

(2) Delete Subsection (e) and

(A) Substitute in lieu thereof the following Subsections (e) through (g):

(e) If oil and gas wastes or other substances or materials regulated by the commission under Section 91.101 of this subchapter are causing or are likely to cause the pollution of surface or subsurface water, the commission, through its employees or agents, may use money in the oil-field cleanup fund to control or cleanup the oil and gas wastes or other substances or materials if:

(1) the responsible person has failed or refused to control or cleanup the oil and gas wastes or other substances or materials after notice and opportunity for hearing;

(2) the responsible person is unknown, cannot be found, or has no assets with which to control or cleanup the oil and gas wastes or other substances or materials; or

(3) the oil and gas wastes or other substances or materials are causing the pollution of surface or subsurface water.

(f) For purposes of this section, "responsible person" means any operator or other person required by law, rules adopted by the commission or a valid order of the commission to control or cleanup the oil and gas wastes or other substances or materials.

(g) The commission or its employees or agents, on proper identification, may enter the land or another for the purpose of controlling or cleaning up oil and gas wastes or other substances or materials under this section.

(B) Renumber the subsequent Subsections of Section 91.110 accordingly.

The amendment was read and was adopted by a viva voce vote.

Senator Sims offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 1103, Section 1 (c) by striking subsection (18), and renumbering the subsequent subsections accordingly.

The amendment was read and was adopted by a viva voce vote.

Senator Sims offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 1103, SECTION 1, Sec. 91.110(f), by striking the words "and agents" from between the words "employees" and "are".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1103 ON THIRD READING**

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1103 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1118 ON SECOND READING**

On motion of Senator Haley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1118, Relating to the State Board of Education, the Central Education Agency, public schools, and public school employees.

The bill was read second time.

Senator Haley offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 1118 by adding SECTION 10.20 to Article 10 to read as follows:

SECTION 10.20. Notwithstanding the authority granted by this Act, the 72nd Legislature, during its regular session, may not appropriate any general revenue for costs related to the implementation of this Act.

The amendment was read and was adopted by a viva voce vote.

Senator Haley offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 1118 by adding the following subsection to Subchapter C, Section 35.42:

(g) The Commissioner of Education may waive the specific requirements of Section 35.41 and 35.42. if a school district had established a committee to implement Section 21.930 of this code prior to June 1, 1991.

The amendment was read and was adopted by a viva voce vote.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 1118 by adding two sections, appropriately numbered, to Article 10 to read as follows and renumbering subsequent sections appropriately:

SECTION 10.20. Section 21.062, Education Code, is amended to read as follows:

Sec. 21.062. TRANSFER OF STATE FUNDS. Upon the filing and certification of the transfer of any such child in the manner timely and in the form prescribed by regulations of the State Board of Education, the state per capita apportionment shall transfer with the child; and for purposes of computing state allotments to districts eligible under Chapter 16 of this code ~~[the Foundation School Program Act]~~, the attendance of the child prior to the date of transfer shall be counted by the transfer sending district and the attendance of the child after the date of transfer shall be counted by the transfer receiving district.

SECTION 10.21. Section 21.063, Education Code, is amended to read as follows:

Sec. 21.063. TUITION FEE FOR TRANSFER STUDENTS. The receiving district may charge a tuition fee to the extent that the district's actual expenditure per student in average daily attendance, determinable by its board of trustees, exceeds the sum the district benefits from state aid sources as provided in Section 21.062 of this code and county education funds distributed under Subchapter J, Chapter 16, of this code. However, unless a tuition fee is prescribed and set out in transfer agreement prior to its execution by the parties, no increase in tuition charge shall be made for the year of that transfer that exceeds the tuition charge, if any, of the preceding school year.

The amendment was read and was adopted by a viva voce vote.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.S.B. 1118 as follows:

Amend ARTICLE 4, Section 4.01 by adding subsection (i) to read as follows:

(i) Each school district shall maintain on file and expeditiously make available on the request of a member of the general public a copy of the report describing the district's overall compensatory education program for educationally disadvantaged students. The report must include sufficient detail to describe the overall compensatory education program offered on each campus and the activities and services provided on each campus from each funding source. The Commissioner of Education shall develop model report formats that districts may use for the report. The model formats must be designed to be easily understood by a member of the general public and may not be overly burdensome for districts to prepare. The commissioner shall submit the model formats to the Legislative Education Board for comment, and may not distribute the formats until the commissioner has received and considered those comments. Each school district shall prepare and periodically update the description of the district's compensatory education program to accurately reflect the programs and services currently provided to educationally disadvantaged students.

Amend ARTICLE 4, Section 16.152, Education Code, by adding subsection (l) to read as follows:

(l) The Commissioner of Education shall withhold funds allocated under this section to a district that fails to timely prepare or make available on request of a member of the general public the report required under Section 21.557(i) of this code. The commissioner may restore withheld funds only when the commissioner is satisfied that the district has provided the information requested.

Amend Section 4.02 by deleting subsection (c) of Section 16.152(c), Education Code, and substituting the following:

"(c) Funds allocated under this section, other than an indirect cost allotment established under State Board of Education rule, may be used only for activities and services specifically designed to improve or enhance the quality of instruction provided under Section 21.557 of this code. Those services and activities may include:

- (1) student evaluations;
- (2) instructional material and equipment
- (3) instructional staff development;
- (4) salaries of instructional personnel
- (5) support services;
- (6) smaller class size than that of regular education classes;
- (7) educational technology;
- (8) peer tutoring
- (9) modified instructional design or teaching methodologies; and
- (10) extended school day or school year programs

which shall not exceed 15 percent, must be in used in providing remedial and compensatory education programs under Section 21.557 of this code, and the district must account for the expenditure of state funds by program and campus. Funds allocated under this section, other than the indirect cost allotment, shall only be expended for supplemental purposes in addition to those programs and services funded under the regular education program of the district from all funding sources."

The amendment was read and was adopted by a viva voce vote.

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No. 5

Amend C.S.S.B. 1118 on page 3, line 53 (Committee Printing), by adding a new sentence after the period to read as follows:

“However, the required local inservice training may be fulfilled with specialized service training approved by the Commissioner and conducted by Central Education Agency staff.”

The amendment was read and was adopted by a viva voce vote.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 6

Amend C.S.S.B. 1118, Article 11, as follows:

Sec. 11.15, line 11 (page 65), by adding, at the end of the sentence, the following, “For these years, up to four (4) hours of the first preparation day supplemented by the early release days may be used for staff development training, the content being that considered essential by the principal and/or superintendent. This section is automatically repealed upon the re-implementation of the staff development provisions following completion of the study by the Central Education Agency.”

The amendment was read and was adopted by a viva voce vote.

Senator Krier offered the following amendment to the bill:

Floor Amendment No. 7

Amend C.S.S.B. 1118 as follows:

Amend Section 312.002, Tax Code, by adding Subsection (e) to read as follows:

(e) A county education district may not enter into a tax abatement agreement under this chapter; provided however, that a tax abatement agreement entered into by a school district before September 1, 1991, applies to taxes collected by both the school district and the county education district.

The amendment was read and was adopted by a viva voce vote.

Senator Parker offered the following amendment to the bill:

Floor Amendment No. 8

Amend C.S.S.B. 1118 by inserting the following new section appropriately numbered and renumbering the succeeding sections accordingly.

SECTION . Subchapter B, Chapter 13, Education Code, is amended by adding Section 13.050 to read as follows:

Sec. 13.050. CENTERS FOR PROFESSIONAL DEVELOPMENT AND TECHNOLOGY. (a) The State Board of Education and the Texas Higher Education Coordinating Board may develop the process for the establishment of centers for professional development through the colleges of education for the purpose of integrating technology and innovative teaching practices in the preservice and staff development training of teachers and administrators. An institution of higher education with an approved teacher education program may develop a center through a collaborative process involving public schools, regional education service centers including other entities or business.

(b) On application by a center the State Board of Education shall make grants to the centers for their programs from funds derived from gifts, grants, and legislative appropriations for that purpose. The board shall award the grants on a competitive basis according to requirements established by the board's rules.

(c) A center may provide preservice and staff development training for teachers and administrators that:

(1) assists in the development of strategies for the achievement of academic excellence and for relating campus performance objectives to student outcomes;

(2) promotes effective teaching practices that incorporate technology and provides an expanded vision and understanding of technological applications and skills; or

(3) is coordinated with the textbook adoption cycle and the restructuring of the curriculum.

(d) A center may develop and implement a comprehensive field-based teacher education program as an alternative to the existing teacher education program as specified in Section 13.036(b) of this chapter. This comprehensive field-based teacher program must:

(1) be designed on the basis of current research into state-of-the-art teaching practices, curriculum theory and application, evaluation of student outcomes, and the effective application of technology; and

(2) have rigorous internal and external evaluation procedures that focus on content, delivery systems, and teacher and student outcomes.

(e) A center, in conjunction with a school district, may establish a laboratory school that offers:

(1) one or more "classrooms of the future" that serve as state-of-the-art demonstration sites for the use of technology and effective teaching practices; or

(2) one or more professional development laboratories that demonstrate state-of-the-art effective teaching practices utilizing technology.

(f) A center may provide summer institutes that utilize college or university faculty to provide specialized training in:

(1) the effective application of technology skills;

(2) innovative and visionary strategies for effective teaching;

(3) district- and campus-level collaborative decision making;

(4) site-based management for teachers, administrators, and school board trustees; or

(5) technical writing and the development of innovative grant proposals.

(g) A center may target one or more of its programs at the recruitment, training, or retraining of qualified minorities and other persons as teachers in subject areas for which there is a shortage of teachers.

(h) The commissioner of education shall coordinate the activities of the centers with the activities of the center for educational technology authorized in Section 14.044 of this code.

The amendment was read and was adopted by a viva voce vote.

Senator Lyon offered the following amendment to the bill:

Floor Amendment No. 9

Amend C.S.S.B. 1118 as follows:

Amend Chapter 21, Subchapter Z, Section 21.924, Subsection (b) to read:

The State Board of Education shall approve and once a school year review a program under which students enrolling in public schools in this state are tested for dyslexia and related disorders at appropriate times.

The amendment was read and was adopted by a viva voce vote.

Senator Lyon offered the following amendment to the bill:

Floor Amendment No. 10

Amend C.S.S.B. 1118 as follows:

Amend Chapter 21, Subchapter O, Section 21.553 of the Texas Education Code by adding a subsection (e) to read:

Pertaining to the exit level assessment instrument, modifications of regular classroom procedures for students with dyslexia or related disorders shall include but not be limited to provisions where students are allowed to respond orally to test items, or write their responses. Oral responses to test items shall be dictated to a test administrator. Testing shall be untimed and in a controlled environment, free of distraction.

The amendment was read and was adopted by a viva voce vote.

(President Pro Tempore Glasgow in Chair)

Senator Dickson offered the following amendment to the bill:

Floor Amendment No. 11

Amend C.S.S.B. 1118 by adding the following new sections, appropriately numbered, to Article ____ of the bill to read as follows and renumbering subsequent sections appropriately:

SECTION ____ Section 21.920(b), Education Code, is amended to read as follows:

(b) A student enrolled in a school district in this state shall be suspended from participation in any extracurricular activity sponsored or sanctioned by the school district during the grade reporting period after a grade reporting period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class. The campus principal may remove this suspension if the class is an identified honors or advanced class. If at the end of the first three weeks of a suspension under this subsection the suspended student's performance meets standards established by the commissioner of education, the campus principal shall remove the remainder of the suspension.

SECTION ____ Section 21.920(d), Education Code, as added by Section 1, Part F, Article IV, Chapter 28, Acts of the 68th Legislature, 2nd Called Session, 1984, is repealed.

The amendment was read.

Senator Haley moved to table the amendment.

The motion was lost by the following vote: Yeas 10, Nays 20.

Yeas: Barrientos, Ellis, Green, Haley, Henderson, Moncrief, Parker, Ratliff, Rosson, Truan.

Nays: Armbrister, Brooks, Brown, Carriker, Dickson, Glasgow, Harris of Tarrant, Harris of Dallas, Johnson, Krier, Leedom, Lucio, Lyon, Montford, Sibley, Sims, Tejeda, Turner, Whitmire, Zaffirini.

Absent: Bivins.

Question recurring on the adoption of Floor Amendment No. 11, the amendment was adopted by a viva voce vote.

RECORD OF VOTES

Senators Barrientos and Haley asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 12

Amend C.S.S.B. 1118 as follows:

Subchapter E of Chapter 20 of the Education Code is hereby amended to read as follows:

Section 20.904. Eligibility. To be eligible for approval by the commissioners, bonds must be issued under Subchapter A of this chapter or Chapter 503, Acts 1955, 54th Legislature, Regular Session, as amended, ("Article 717k, V.A.T.C.S."), by an accredited school district.

MONTFORD
HARRIS OF TARRANT

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Haley and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Harris of Dallas and Harris of Tarrant asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1118 ON THIRD READING

Senator Haley moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1118 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Armbrister, Barrientos, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Harris of Tarrant, Harris of Dallas.

Absent: Bivins.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Harris of Dallas and Harris of Tarrant asked to be recorded as voting "Nay" on the final passage of the bill.

BILL AND RESOLUTIONS SIGNED

The President Pro Tempore announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolutions:

H.C.R. 82

H.C.R. 225

H.B. 1873

GUESTS PRESENTED

Senator Dickson was recognized and introduced students from Lometa High School and their superintendent, Richard Stockman.

The Senate welcomed these guests.

MESSAGE FROM THE HOUSE

House Chamber

May 10, 1991

HONORABLE BOB BULLOCK

PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 994, Relating to benefits from retirement systems for fire fighters in certain municipalities.

S.B. 506, Relating to the participation of certain retirement systems in the proportionate retirement program.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
HOUSE BILL 847 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 847, Relating to a waste tire recycling program; imposing administrative and civil penalties.

The bill was read second time.

Senator Brooks offered the following committee amendment to the bill:

Committee Amendment

Amend **C.S.H.B. 847** as follows:

(a) Amend Sec. 361.437 by adding new subsection (b)(4) that reads as follows: "demonstrate that energy recovery activities are in compliance with applicable air emission control rules and standards as promulgated by the Texas Air Control Board".

The committee amendment was read and was adopted by a viva voce vote.

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.H.B. 847 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Chapter 361, Health and Safety Code, is amended by adding Subchapter N to read as follows:

SUBCHAPTER N. WASTE TIRE RECYCLING PROGRAM

Sec. 361.431. DEFINITIONS. In this subchapter:

- (1) "Fund" means the waste tire recycling fund.
- (2) "Mobile tire shredder" means equipment mounted on wheels or skid-mounted and hauled from place to place to split, shred, or quarter used or scrap tires.
- (3) "Scrap tire" has the meaning assigned by Section 361.112.
- (4) "Waste tire facility" means a facility permitted by the department under Section 361.112 at which scrap tires are collected or deposited and shredded to facilitate the future extraction of useful materials for recycling, reuse, or energy recovery or a Type VIII Tire Monofill permitted under Section 325.853.
- (5) "Waste tire processor" means:
 - (A) a waste tire facility;
 - (B) a mobile tire shredder that splits, shreds, or quarters tires and deposits the split, shredded, or quartered tires for eventual recycling, reuse, or energy recovery at:
 - (i) a waste tire storage facility registered by the department under Section 361.112; or
 - (ii) a waste tire facility; or
 - (C) a Type VIII Tire Monofill, Section 325.852.
- (6) "Waste tire transporter" means a person who collects and transports used or scrap tires for storage or disposal.
- (7) "Weighed tire" means a unit of weight for shredded scrap tires that is equal to 18.7 pounds.

Sec. 361.432. WASTE TIRE RECYCLING FEES. (a) A wholesale or retail tire dealer who sells or offers to sell new tires not for resale shall collect at the time and place of sale a waste tire recycling fee of \$2 for each new tire of the following types sold:

- (1) an automobile tire with a rim diameter of 15 inches or less;
- (2) a light truck tire with a rim diameter of not less than 16 inches or more than 19 inches; and
- (3) a truck tire with a rim diameter of 20 inches or more.

(b) A dealer required to collect a fee under this section may retain 2-1/2 cents from each fee the dealer collects. A dealer shall account for amounts retained under this subsection in the manner prescribed by the comptroller.

(c) A dealer required to collect a fee under this section:

(1) shall list as a separate item on an invoice a fee due under this section; and

(2) except as provided by Subsection (d), on or before the 20th day of the month following the end of each calendar month and on a form and in the manner prescribed by the comptroller, shall file a report with and shall remit to the comptroller the amount of fees collected during the preceding calendar month.

(d) A person required to collect a fee under this section who collects less than \$50 for a calendar month or less than \$150 for a calendar quarter is not required to file a monthly report but shall file a quarterly report with and make a quarterly remittance to the comptroller. The quarterly report and remittance shall include

fees collected during the preceding calendar quarter. The report and remittance are due not later than the 20th day of the month following the end of the calendar quarter.

(e) An invoice or other record required by this section or rules of the comptroller must be maintained for at least four years after the date on which the invoice or record is prepared and be open for inspection by the comptroller at all reasonable times.

(f) The comptroller shall adopt rules necessary for the administration, collection, reporting, and payment of the fees payable or collected under this section.

Sec. 361.433. ENFORCEMENT; PENALTIES. (a) A person who does not file a report as provided by Section 361.432 or who possesses a fee collected or payable under that section and who does not remit the fee to the comptroller at the time and in the manner required by that section and rules of the comptroller shall pay a penalty of five percent of the amount of the fee due and payable. If the person does not file the report or pay the fee before the 30th day after the date on which the fee or report is due, the person shall pay a penalty of an additional five percent of the amount of the fee due and payable.

(b) Chapters 101 and 111-113, Tax Code, and Sections 153.006 and 153.007, Tax Code, apply to the administration, payment, collection, and enforcement of fees under this section in the same manner that those chapters and sections apply to the administration, payment, collection, and enforcement of taxes under Title 2, Tax Code.

(c) The comptroller may add a penalty of 75 percent of the amount of the fee, penalty, and interest due if failure to file the report or pay the fee when it comes due is attributable to fraud or an intent to evade the application of this section or a rule made under this section or Chapter 111, Tax Code.

Sec. 361.434. DISPOSITION OF FEES AND PENALTIES. Fees and penalties collected under this subchapter shall be deposited in the state treasury to the credit of the waste tire recycling fund.

Sec. 361.435. WASTE TIRE RECYCLING FUND. (a) The waste tire recycling fund is a special account in the general revenue fund.

(b) The department shall administer the fund.

(c) The fund consists of fees and penalties collected under this subchapter, interest on money in the fund, and money from gifts, grants, or any other source intended to be used for the purposes of this subchapter.

(d) The fund may be used only to pay:

(1) waste tire processors that meet the requirements for payment under Section 361.437 and rules adopted under that section;

(2) the department's reasonable and necessary administrative costs of performing its duties under this subchapter in an amount not to exceed six percent of the money annually accruing to the fund; and

(3) the comptroller's reasonable and necessary administrative costs of performing the comptroller's duties under this subchapter in an amount not to exceed two percent of the money annually accruing to the fund.

Sec. 361.436. PRIORITY ENFORCEMENT LIST. The department shall identify unauthorized tire dumps that present an existing or potential threat to public health and safety or to the environment and shall prepare an enforcement list of those dumps, giving priority to dumps for which a responsible party cannot be located.

Sec. 361.437. PAYMENTS TO WASTE TIRE PROCESSORS. (a) The department each month shall pay a waste tire processor that shreds or cuts scrap tires and meets the requirements of this section and rules adopted under this section an amount equal to 85 cents for each tire or weighed tire shredded by the processor during the preceding calendar month.

(b) A waste tire processor that desires to receive payment under this section for tires cut or shredded by the processor during a calendar month must:

(1) apply to the department in accordance with forms prescribed by the department;

(2) demonstrate as required by rules adopted under this section that:

(A) all tires for which payment is sought have been shredded to a particle size not larger than nine square inches or quartered or sliced in the case of an approved Type VIII Tire Monofill approved under this program; and

(B) not less than 25 percent of those tires were collected from tire dumps listed on the department's priority enforcement list;

(3) provide any other information the department determines is needed to accomplish the purposes of this subchapter; and

(4) demonstrate that energy recovery activities are in compliance with applicable air emission control rules and standards as promulgated by the Texas Air Control Board.

(c) A waste tire processor that in any month exceeds the 25 percent minimum requirement of Subsection (b)(2) shall receive a credit for the amount in excess of 25 percent that may be used to meet the minimum requirement during a later month. The board of health by rule may prescribe the method of applying credits accrued under this subsection.

(d) The board of health by rule shall adopt application and payment procedures and requirements to implement this section and within those procedures, the board of health shall allow for the approval of certain permitted Type VIII Tire Monofills to share equally in this program if such monofill is serving the public interest by using quartered or sliced tires as fill material to eliminate health and safety hazards generated by certain open pits.

Sec. 361.438. EVALUATION OF RECYCLING AND ENERGY RECOVERY ACTIVITIES; CERTIFICATION FOR PAYMENT. (a) Beginning June 1, 1995, and every five years after that date, the department shall evaluate according to standards adopted by board of health rule the recycling and energy recovery activities of each waste tire processor that received payment under Section 361.437 during the preceding five years.

(b) After evaluation, the department shall certify as eligible for payment under Section 361.437 during the next five years a waste tire processor that has conducted or provided for recycling of or energy recovery from tires for which the processor received payment during the preceding five years.

(c) A waste tire processor that receives payment under Section 361.437 during any five-year period and that after evaluation is not certified by the department under Subsection (b) as eligible for payment under Section 361.437 may not receive payment under that section for the next five years.

(d) The board of health by rule may establish a procedure by which a waste tire processor can reestablish eligibility for payment under Section 361.437.

Sec. 361.439. EVIDENCE OF FINANCIAL RESPONSIBILITY. (a) A waste tire storage facility registered by the department under Section 361.112 or a waste tire facility that accepts shredded tires for storage or for processing for recycling, reuse, or energy recovery shall submit to the department evidence of financial responsibility in an amount adequate to assure proper cleanup or closure of the facility.

(b) A facility subject to Subsection (a) shall submit to the department an estimate of the total amount of shredded tires measured by weighed tire that the facility will store or process and the estimated cost, using that total amount, of cleaning up or closing the facility.

(c) The department shall evaluate and may amend an estimate submitted under Subsection (b) and by order shall determine for each facility the amount for which evidence of financial responsibility is required.

(d) Evidence of financial responsibility may be in the form of a performance bond, a letter of credit from a recognized financial institution, a trust fund, or insurance for a privately owned facility, or a resolution by the commissioners court or the city council, as appropriate, for a publicly owned facility.

Sec. 361.440. TIRE COLLECTION FEE PROHIBITED. A waste tire transporter or mobile tire shredder may not charge a fee to a wholesale or retail dealer for collecting for delivery to a waste tire facility or for collecting and shredding used or scrap tires accepted for temporary storage by the dealer from purchasers of new tires.

Sec. 361.441. PROHIBITION ON OUT-OF-STATE TIRES. A waste tire processor may not claim payment under Section 361.437 for cutting or shredding out-of-state tires.

Sec. 361.442. PROHIBITION ON DISPOSAL OF SHREDDED TIRES IN LANDFILL. A waste tire processor may not dispose of shredded tires in a landfill if the processor has received payment under Section 361.437 for the tires.

Sec. 361.443. CIVIL PENALTY. (a) A person who violates Section 361.441 or 361.442 is liable for a civil penalty of up to \$10,000 for each violation.

(b) The attorney general or the prosecuting attorney in the county in which the alleged violation occurs may bring suit to recover the civil penalty imposed under Subsection (a).

(c) A penalty collected under this section shall be deposited to the credit of the waste tire recycling fund.

Sec. 361.444. RULES. The board of health may adopt rules reasonably necessary to implement this subchapter.

Sec. 361.445. REPORT. Not later than February 1 of each odd-numbered year, the department shall report to the governor and the legislature on the administration of the program established under this subchapter and its effectiveness in cleaning up existing tire dumps and in preventing new dumps.

SECTION 2. Section 361.013, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) Except as provided by Subsection (e), the [The] department shall charge a fee on solid waste that is disposed of within this state. The fee is 50 cents per ton or 17 cents per cubic yard of compacted solid waste and 10 cents per cubic yard of uncompacted solid waste received for disposal at a landfill. The department shall set the fee for sludge or similar waste applied to the land for beneficial use on a dry weight basis and for solid waste received at an incinerator or a shredding and composting facility at half the fee set for solid waste received for disposal at a landfill. The department may charge comparable fees for other means of solid waste disposal that are used.

(e) The department may not charge a fee under Subsection (a) for scrap tires that are deposited in a designated recycling collection area at a landfill permitted by the commission or the department or licensed by a county or by a political subdivision exercising the authority granted by Section 361.165 and that are temporarily stored for eventual recycling, reuse, or energy recovery.

SECTION 3. Section 361.112, Health and Safety Code, is amended by amending Subsection (f) and by adding a new Subsection (k) and relettering existing Subsection (k) to read as follows:

(f) A person may not store more than 500 used or scrap tires or dispose of any quantity of used or scrap tires unless the tires are shredded, split, or quartered as provided by board of health rule. The department may grant an exception to this requirement if the department finds that circumstances warrant the exception. The

prohibition provided by this subsection does not apply to a person who, for eventual recycling, reuse, or energy recovery, temporarily stores scrap tires in a designated recycling collection area at a landfill permitted by the commission or the department or licensed by a county or by a political subdivision exercising the authority granted by Section 361.165.

(k) The department may not register or issue a permit to a facility required by Section 361.439 to provide evidence of financial responsibility unless the facility has complied with that section.

(l) In this section, "scrap tire" means a tire that can no longer be used for its original intended purpose.

SECTION 4. Not later than January 1, 1992, the Texas Board of Health and the comptroller of public accounts shall adopt rules required to administer Subchapter N, Chapter 361, Health and Safety Code, as added by this Act.

SECTION 5. A facility required to present evidence of financial responsibility under Section 361.439, Health and Safety Code, as added by this Act, that is registered or permitted under Section 361.112, Health and Safety Code, on the effective date of this Act, shall comply with Section 361.439 not later than the 60th day after the date on which the Texas Board of Health adopts rules to implement that section.

SECTION 6. (a) This Act takes effect September 1, 1991, and fees imposed by Section 361.432, Health and Safety Code, as added by this Act, apply only to a new tire sold on or after January 1, 1992.

(b) The payments authorized by Section 361.437, Health and Safety Code, as added by this Act, apply only to tires shredded on or after April 1, 1992.

(c) The change in law made by Section 3 of this Act applies only to a person who temporarily stores scrap tires on or after April 1, 1992.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Lyon offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to C.S.H.B. 847 page 2, line 6 and page 7, line 23 by striking the words "or retail", and renumber accordingly.

The amendment to the amendment was read.

On motion of Senator Brooks, the amendment to the amendment was tabled by the following vote: Yeas 18, Nays 12.

Yeas: Armbrister, Brooks, Ellis, Green, Harris of Dallas, Henderson, Krier, Leedom, Lucio, Moncrief, Montford, Parker, Ratliff, Sibley, Sims, Tejada, Whitmire, Zaffirini.

Nays: Barrientos, Brown, Carriker, Dickson, Glasgow, Haley, Harris of Tarrant, Johnson, Lyon, Rosson, Truan, Turner.

Absent: Bivins.

Question recurring on the adoption of Floor Amendment No. 1, the amendment was adopted by a viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 847 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.H.B. 847 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Leedom.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Leedom asked to be recorded as voting "Nay" on the final passage of the bill.

LEAVE OF ABSENCE

Senator Bivins was granted leave of absence for the remainder of today on account of important business on motion of Senator Brooks.

**COMMITTEE SUBSTITUTE
SENATE BILL 831 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 831, Relating to the continuation, functions, and change of the name of the State Purchasing and General Services Commission, the transfer of responsibility for architectural barrier programs from the commission to the Texas Department of Licensing and Regulation, and the acquisition by the commission and other entities of property and services, including consulting and professional services and school buses; providing penalties.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 831 as follows:

1) Delete SECTION 5.03 and substitute the following:

SECTION 5.03 Title 20, Revised Statutes, is amended by adding Article 601i to read as follows:

Art. 601i. Consulting Services

Sec. 1. SHORT TITLE. This article may be cited as the Consulting Services Act.

Sec. 2. DEFINITIONS. In this article

(1) "consulting services" means the human service of studying or advising a state agency.

(2) "State agency" has the meaning assigned by Section 1.02 (2), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes).

Sec. 3. APPLICABILITY. This article applies to the receipt of consulting services by a state agency under a contract that does not involve the traditional

relationship of employer and employee. This article, including rules adopted by the comptroller of public accounts or governor under this article and the requirement of a finding of need by the governor, also applies to an amendment to or an extension of such a contract.

Sec. 4. CERTAIN SERVICES EXCEPTED FROM ARTICLE. (a) If the governor, comptroller of public accounts, and General Services Commission consider that it is more advantageous to the state for the procurement of a particular service to be subject to the procedures of Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), rather than to the procedures of this article, they may make a memorandum of understanding to that effect and each adopt that memorandum of understanding by rule. State agency procurement of a service included in a memorandum of understanding adopted under this subsection is subject to Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), and not subject to the requirements of this article.

(b) The comptroller of public accounts by rule may define circumstances in which state agency procurement of certain services that will cost less than a minimum amount established by the comptroller are excepted from the requirements of this article, if the comptroller determines that it would be more cost-effective for the state.

Sec. 5. CONTRACTS VOID. (a) A contract made by a state agency for the receipt of a service that is subject to this article is void if the contract or the procedures under which the contract was awarded violate this article or a rule adopted under this article.

(b) If a contract is void under this section, the comptroller of public accounts or a state agency may not make any payments under the contract.

Sec. 6. FINDING OF NEED. (a) A state agency may not contract to receive consulting services unless:

(1) the governor issues a written finding of need for the agency to obtain the service under a contract to which this article applies; or

(2) the contract is excepted from this article under Section 4 of this article.

(b) The governor may adopt rules for the procedures a state agency must follow when requesting a finding of need and demonstrating the need to the governor.

Sec. 7. REQUIRED PROCEDURES. (a) The comptroller of public accounts shall adopt rules that govern the procedures for making a contract for services under this article. The comptroller's rules under this section:

(1) must require adequate advance public notice of requests for bids and proposals;

(2) may determine the form of notice required as appropriate in different circumstances;

(3) may determine the extent to which bids, proposals, or opportunities for negotiation are most advantageous to the state and required as appropriate in different circumstances and determine the procedures for bids, proposals, and negotiations leading to the award of a contract;

(4) may determine, based on what is most advantageous to the state, the extent to which demonstrated competence and qualifications should be taken into account when a state agency evaluates a bid or proposal in different circumstances; and

(5) may be modeled in part on other state laws that govern bids and proposals in public contracting, to the extent appropriate.

(b) The governor may exempt a state agency from all or part of the comptroller's rules under this section if the governor determines that an unforeseen emergency has arisen that makes compliance with all or part of the rules infeasible.

For purposes of this subsection, an unforeseen emergency is an emergency that the agency could not reasonably be expected to foresee. The governor shall adopt rules for the administration of this subsection.

Sec. 8. CONFLICTS OF INTEREST. An officer or employee of a state agency who has a financial interest in a firm or corporation that provides contracted services under this article and that submits an offer to provide services under this article to the agency or who is related within the second degree by consanguinity or affinity to a person having that financial interest shall report the financial interest to the executive head of the state agency not later than the 10th day after the date on which the contractor submits the contracted services offer.

Sec. 9. REVIEW AND COMMENT FOR RULES. The comptroller of public accounts shall submit proposed rules under this article to the governor and to the General Services Commission for review and comment before adopting the rules.

Sec. 10. PROCUREMENT THROUGH GENERAL SERVICES COMMISSION. (a) At the request of a state agency, the General Services Commission shall procure services that are covered by this article for the agency.

(b) Either house of the legislature and any committee or agency of the legislature may use the services of the General Services Commission to procure consulting services.

(c) The commission may require reimbursement for the cost it incurs when it performs a service under this section.

2) Delete SECTION 5.04.

The amendment was read.

Senator Ratliff offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to C.S.S.B. 831 as follows:

1) On line 14 of the amendment, after the word “agency”, insert the following: “except those services covered by Article 664-4, V.T.C.S.”

The amendment to the amendment was read and was adopted by a viva voce vote.

Question recurring on the adoption of Floor Amendment No. 1 as amended, the amendment as amended was adopted by a viva voce vote.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 831 by inserting the following after line 38, on page 20:

(f) All buildings and facilities covered by this article shall provide restroom facilities in conformance with the minimum plumbing facilities standards set forth in Appendix C of the Uniform Plumbing Code.

The amendment was read and was adopted by a viva voce vote.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.S.B. 831 by deleting lines 10 through 24 on page 20 and inserting the following in its place:

(i) An inn, hotel, motel or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire

and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;

(2) a restaurant, bar, or other establishment serving food or drink;

(3) a motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;

(4) an auditorium, convention center, lecture hall, or other place of public gathering;

(5) a bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;

(6) a laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;

(7) a terminal, depot, or other station used for specified public transportation;

(8) a museum, library, gallery, or other place of public display or collection;

(9) a park, zoo, amusement park, or other place of recreation;

(10) a nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education;

(11) a day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and

(12) a gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

The amendment was read and was adopted by a viva voce vote.

Senator Carriker offered the following amendment to the bill:

Floor Amendment No. 5

Amend C.S.S.B. 831 by adding SECTION 2.061 as follows:

SECTION 2.061. Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 3.201 to read as follows:

Sec. 3.201. PREFERENCE FOR PRODUCTS MADE FROM RECYCLED MATERIALS. The commission shall give preference to products made of recycled materials in purchases made under this Act if:

(1) the products meet state specifications as to quantity and quality;
and

(2) the cost of the product is equal to or less than the cost of other similar products that are not made of recycled materials.

The amendment was read and was adopted by a viva voce vote.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 6

Amend C.S.S.B. 831, SECTION 2.01, added Section 2.11 of the State Purchasing and General Services Act as follows:

(1) "Sec. 2.01. DISADVANTAGED BUSINESSES. (a) The commission, in cooperation with the Department of Commerce Office of Minority Business

Development, shall establish a disadvantaged business program consistent with the General Appropriations Act and general law.”

(2) “(c) The commission shall appoint an advisory committee with at least three members composed of owners of disadvantaged businesses. A committee member may not receive compensation for service on the committee but is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a member of the committee. The committee, in coordination with the Department of Commerce Office of Minority Business Development, shall study the commission’s rules and procedures that relate to bidding, purchasing, and contracting with the state in general. The committee shall recommend changes in law to the legislature and changes in rules to the commission that are necessary to facilitate the participation of disadvantaged businesses in state contracting. The commission shall issue a report outlining such recommendations, and outlining the results of efforts undertaken by the commission pursuant to subsection (b) of this section. The report shall be submitted to the governor and to the presiding officer of each house of the legislature prior to January 1, 1993.”

The amendment was read and was adopted by a viva voce vote.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 7

Amend C.S.S.B. 831, SECTION 2.03, Article 3, State Purchasing and General Services Act (Article 601b, Vernon’s Texas Civil Statutes), added Section 3.101, Committee Printing as follows:

(1) Add new subsection (b) as follows: (b) The commission shall develop a uniform registration form for application to do business with the commission or with any state agency. Such registration forms shall constitute a valid application for a bidders list by all state agencies. Nothing in this subsection shall be construed as preventing any state agency from developing and using its own registration form, but such forms shall not be required in addition to or in lieu of the uniform registration form developed by the commission.

(2) Renumber the remaining Subsections appropriately.

(3) In subsection (d), strike “including procedures that state the information required from applicants for registration” (page 5, lines 64-65).

The amendment was read and was adopted by a viva voce vote.

Senator Leedom offered the following amendment to the bill:

Floor Amendment No. 8

Amend C.S.S.B. 831 at Section 2.36 by amending the proposed Subsection (c) of Section 14.02, State Purchasing and General Services Act, to read as follows:

(c) State agencies in the executive branch of state government shall participate in accordance with commission rules in the commission’s contracts for travel services, provided that institutions of higher education as defined by Section 61.003, Education Code, shall not be required to participate in the commission’s contracts for travel agency services. The commission may provide by rule for exemptions from required participation. Agencies of the state that are not required to participate in commission contracts for travel services may participate as provided by Subsection (a) of this section.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 831 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 831 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Bivins.

The bill was read third time and was passed by a viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber
May 10, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 1232, Relating to instruction at Laredo State University.

S.B. 1197, Relating to the transfer of low-interest agricultural loan repayments.

S.B. 932, Relating to a detachment and annexation of certain territory from a school district.

S.B. 687, Relating to suits affecting the parent-child relationship. (As amended)

S.B. 443, Relating to an exemption of members of the state military forces and public security officers employed by the adjutant general from the prohibition against carrying certain weapons.

S.B. 420, Relating to inspections of places where blood samples are taken for investigation of individuals under suspicion of driving while intoxicated.

S.B. 346, Relating to the practice of midwifery; providing criminal and civil penalties. (As amended)

S.B. 333, Relating to discriminatory housing practices and municipal fair housing ordinances.

S.B. 241, Relating to motor vehicle and trailer leases that permit or require the rental price to be adjusted.

S.B. 215, Relating to noise regulation of sport shooting ranges.

S.B. 106, Relating to the eligibility of sheriff's departments of certain counties to create civil service systems.

H.C.R. 227, Directing the House Enrolling and Engrossing Clerk to make certain technical corrections in the enrollment of **H.B. 550**.

H.C.R. 229, Requesting the governor to return **H.B. 1079** to the House.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE CONCURRENT RESOLUTION 229

The President Pro Tempore laid before the Senate the following resolution:

H.C.R. 229, Requesting the Governor to return **H.B. 1079** to the House of Representatives.

The resolution was read.

On motion of Senator Armbrister and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

SENATE BILL 1499 ON SECOND READING

On motion of Senator Harris of Dallas and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1499, Relating to the members of the Commission on Uniform State Laws.

The bill was read second time.

Senator Harris of Dallas offered the following committee amendment to the bill:

Amend **S.B. 1499** as follows:

1) On page 2, line 24, strike the entire Section 4. Renumber subsequent sections appropriately.

The committee amendment was read and was adopted by a viva voce vote.

Senator Harris of Dallas offered the following amendment to the bill:

Amend **S.B. 1499** by adding a new SECTION 4 to read as follows and renumber the subsequent sections appropriately:

SECTION 4. Section 5, Chapter 415, Acts of the 52nd Legislature, Regular Session, 1951 (Article 1273b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5. EXPENSES. A Commissioner may not receive compensation for service as a Commissioner. Each of the six appointed Commissioners, each life member, and the associate member shall [but is entitled to] be reimbursed for reasonable expenses incurred in the performance of official duties. The associate member shall be reimbursed from funds appropriated to the Texas Legislative Council for that purpose.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Harris of Dallas and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1499 ON THIRD READING

Senator Harris of Dallas moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 1499 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Bivins.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE CONCURRENT RESOLUTION 227

The President Pro Tempore laid before the Senate the following resolution:

H.C.R. 227, Directing the House Enrolling and Engrossing Clerk to make certain technical corrections in the enrollment of **H.B. 550**.

The resolution was read.

On motion of Senator Carriker and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

**VOTE TO POSTPONE CONSIDERATION
OF COMMITTEE SUBSTITUTE SENATE BILL 1092 RECONSIDERED**

On motion of Senator Montford and by unanimous consent, the motion by which the Senate agreed to postpone further consideration of **C.S.S.B. 1092** until a time certain of 11:00 a.m. Monday, May 13, 1991, was reconsidered.

Question—Shall further consideration of **C.S.S.B. 1092** be postponed?

On motion of Senator Montford and by unanimous consent, the motion to postpone further consideration of **C.S.S.B. 1092** was withdrawn.

**COMMITTEE SUBSTITUTE
SENATE BILL 1092 ON SECOND READING**

The Senate resumed consideration of **C.S.S.B. 1092**. The bill was read second time and amended on Thursday, May 9, 1991.

C.S.S.B. 1092, Relating to procedures governing the filing of certain utility proceedings.

Question—Shall the bill be passed to engrossment?

**VOTE ON ADOPTION OF FLOOR
AMENDMENT NO. 1 RECONSIDERED**

On motion of Senator Turner and by unanimous consent, the vote by which Floor Amendment No. 1 to **C.S.S.B. 1092** was adopted was reconsidered.

Question—Shall Floor Amendment No. 1 be adopted?

Senator Turner offered the following amendment to Floor Amendment No. 1:
Floor Amendment No. 2

Amend Floor Amendment No. 1 to **C.S.S.B. 1092** as follows:

Delete "for all classes and categories of ratepayers" and add after the word "reduction" the following: "for all affected ratepayers"

The amendment was read and was adopted by a viva voce vote.

Question recurring on the adoption of Floor Amendment No. 1 as amended, the amendment as amended was adopted by a viva voce vote.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 1092 as follows:

In Section 1, Subsection (a), (Committee Printing page 1, line 50-53), amend the last sentence to read as follows:

The regulatory authority, by rule, shall also define other proceedings for which the publication of notice requirement prescribed by this subsection may be waived on a showing of good cause, provided that no waiver may be granted in any proceeding involving a rate increase to any class or category of ratepayer.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1092 ON THIRD READING**

Senator Lucio moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1092 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Bivins.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

RESOLUTION SIGNED

The President Pro Tempore announced the signing in the presence of the Senate the following enrolled resolution:

H.C.R. 229

HOUSE BILL 739 ON THIRD READING

Senator Henderson moved that the regular order of business be suspended and that H.B. 739 be placed on its third reading and final passage.

H.B. 739, Relating to brackets establishing ranges of cash advances or balances to which certain rates of charges apply under certain regulated loans.

The motion prevailed by the following vote: Yeas 21, Nays 9.

Yeas: Armbrister, Barrientos, Brooks, Brown, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Lucio, Moncrief, Montford, Parker, Ratliff, Sibley, Sims, Tejada, Whitmire, Zaffirini.

Nays: Carriker, Dickson, Ellis, Glasgow, Johnson, Lyon, Rosson, Truan, Turner.

Absent-excused: Bivins.

The bill was read third time and was passed by the following vote: Yeas 17, Nays 13.

Yeas: Armbrister, Brooks, Brown, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Lucio, Montford, Parker, Ratliff, Sibley, Sims, Tejada, Zaffirini.

Nays: Barrientos, Carriker, Dickson, Ellis, Glasgow, Green, Johnson, Lyon, Moncrief, Rosson, Truan, Turner, Whitmire.

Absent-excused: Bivins.

**COMMITTEE SUBSTITUTE
SENATE BILL 1357 ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1357, Relating to the establishment of an extension center campus of Texas State Technical Institute in the city of Marshall in Harrison County.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Amend **C.S.S.B. 1357** as follows:

On page 1, line 38 (Committee Printing), strike the word "campus"

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Ratliff and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1357 ON THIRD READING**

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1357** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Bivins.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 1556 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1556, Relating to the regulation of the practice of acupuncture; providing a penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1556 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 1556 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Bivins.

The bill was read third time and was passed by a viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber

May 10, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 190, Relating to deductions from the salaries of school district employees for dues to professional organizations.

S.B. 1465, Relating to the creation, administration, powers, duties, operation, and financing of the Menard County Underground Water District.

S.B. 116, Relating to criminal penalties imposed for certain violations of the Texas Unemployment Compensation Act. (As substituted and amended)

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

(Senator Ratliff in Chair)

SENATE BILL 1572 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1572, Relating to the creation of the constitutional office of criminal district attorney of Erath County, and to the abolition of the offices of county attorney of that county and district attorney of the 266th Judicial District.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1572 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 1572 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Bivins.

The bill was read third time and was passed by a viva voce vote.

(President Pro Tempore Glasgow in Chair)

COMMITTEE SUBSTITUTE**SENATE BILL 1316 ON THIRD READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 1316, Relating to equal rights under the law.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 0.

Absent: Brown, Haley, Harris of Dallas, Henderson, Leedom.

Absent-excused: Bivins.

SENATE BILL 1291 ON SECOND READING

On motion of Senator Harris of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1291, Relating to performance reports by boards of trustees.

The bill was read second time.

Senator Harris of Tarrant offered the following committee amendment to the bill:

Amend **S.B. 1291**, Subsection (c), Section 21.258, by deleting all words after (e) and substituting the following language: Each board of trustees shall initially publish in fall 1993 the report required by this section as amended by Section 2.12, Chapter 1, Acts of the 71st Legislature, 6th Called Session, 1990. The Central Education Agency may perform a pilot study to gather information concerning performance comparisons. This subsection expires on January 1, 1994.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Harris of Tarrant and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1291 ON THIRD READING

Senator Harris of Tarrant moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1291** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Krier.

Absent-excused: Bivins.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

GUESTS PRESENTED

Senator Turner was recognized and introduced a group of students from Kennard High School.

The Senate welcomed these guests.

SENATE BILL 1356 ON SECOND READING

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1356, Relating to the creation and function of the Physician Loan Repayment Advisory Committee.

The bill was read second time.

Senator Carriker offered the following amendment to the bill:

Amend **S.B. 1356** by striking everything below the enacting clause and by substituting in lieu thereof the following:

SECTION 1. Section 61.536, Education Code, is amended to read as follows:

Sec. 61.536. ADVISORY COMMITTEES. (a) The coordinating board shall [may]:

(1) appoint advisory committees from outside the board's membership to assist the board in performing its duties under this subchapter; and

(2) request the assistance of the Family Practice Residency Advisory Committee in performing those duties.

(b) The Physician Loan Repayment Advisory Committee is created and shall consist of nine members.

(c) One member shall be an employee of the Texas Department of Health appointed by the commissioner of health; one member shall be an employee of the Texas Department of Mental Health and Mental Retardation appointed by the Commissioner of Mental Health and Mental Retardation; one member shall be an employee of the Texas Department of Criminal Justice appointed by the executive director of the Texas Department of Criminal Justice; one member shall be an employee of the Texas Youth Commission appointed by the executive director of the Texas Youth Commission; one member shall be an employee of the Texas Department of Human Services appointed by the Commissioner of Human Services; one member shall be an employee of the Center for Rural Health Initiatives appointed by the executive director of the Center for Rural Health Initiatives; one member shall be appointed by the Family Practice Residency Advisory Committee; one member who is a physician in private practice in a rural, underserved area of the state shall be appointed by the governor; and one member shall be appointed by the Texas Association of Community Health Centers.

(d) Members of the committee serve staggered terms of six years with the terms of one-third of the members expiring on February 1 of each odd-numbered year.

(e) The members shall elect annually the chair from among the members.

(f) The committee shall meet at least annually and as requested by the board or called into meeting by the chair.

(g) The committee shall review and recommend to the board the rules, guidelines, or procedures relating to this subchapter or any changes therein and perform any other duties related to the program as directed by the board or the chair of the committee.

(h) A member of the committee is not entitled to compensation but may be reimbursed for travel and other necessary expenses incurred in performing official duties at the same rate provided for members of state boards and commissions in the General Appropriations Act.

SECTION 2. Subsection (a), Section 61.537, Education Code, is amended to read as follows:

(a) On the recommendation of the Physician Loan Repayment Advisory Committee, the [The] coordinating board shall adopt rules necessary for the administration of this subchapter, including a rule that sets a maximum amount of repayment assistance that may be received by a physician in one year.

SECTION 3. The initial members of the committee shall be appointed as follows:

(1) the members appointed by the commissioner of health, the Commissioner of Mental Health and Mental Retardation, and the executive director of the Texas Department of Criminal Justice shall be appointed to terms expiring February 1, 1993;

(2) the members appointed by the executive director of the Texas Youth Commission, the Commissioner of Human Services, and the executive director of the Center for Rural Health Initiatives shall be appointed to terms expiring February 1, 1995; and

(3) the members appointed by the Family Practice Residency Advisory Committee, the governor, and the Texas Association of Community Health Centers shall be appointed to terms expiring February 1, 1997.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Carriker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1356 ON THIRD READING

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 1356 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Bivins.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 1029 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1029, Relating to the creation of the International Trade Commission and the Texas-Mexico Authority advisory board and to the membership and duties of the governing board of the Texas Department of Commerce.

The bill was read second time.

Senator Barrientos offered the following committee amendment to the bill:

Amend H.B. 1029 as follows:

Amend SECTION 4, Section 481.004 (a), Subdivision (2)(A), on lines 10 and 11 of page 4, as follows:

(A) the chairperson [a member] of the State Job Training Coordinating Council; who is not the chairperson] and the chairperson shall in no event be permitted to claim or receive state per diem for service on the board;

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1029 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that H.B. 1029 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Bivins.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 339 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 339, Relating to the provision under certain health insurance coverage of benefits for cleft lip, cleft palate, and other craniofacial defects.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 339 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 339** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Bivins.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 359 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 359, Relating to the continuation and operation of the Board of Law Examiners and to the functions of the board and the state supreme court concerning the licensing of attorneys.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 359** as follows:

(1) In Section 82.023(e) (Committee Printing page 3, lines 10-11), strike "The board shall pay the cost of the evaluation."

(2) In Section 82.030(c) (Committee Printing page 3, lines 52-53), strike "The board shall pay the costs of the evaluation."

The amendment was read and was adopted by a viva voce vote.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.S.B. 359** by striking Section 82.023(e) (Committee Printing page 3, lines 8-11) and substituting the following:

(e) If the board determines that an applicant may suffer from chemical dependency, the board shall require the applicant to meet with representatives of the Lawyers' Assistance Program of the State Bar of Texas or a similar program of the state bar, and may require the applicant to submit to a treatment facility for evaluation.

The amendment was read and was adopted by a viva voce vote.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 359 by striking Section 82.030(e) (Committee Printing page 3, lines 58-61) and substituting the following:

(e) The board may not deny an applicant the opportunity to take the bar examination solely because the applicant:

- (1) suffers or appears to suffer from chemical dependency; or
- (2) has been convicted of or is on probation for a first offense of driving while intoxicated under Article 67011-1, Revised Statutes.

The amendment was read and was adopted by a viva voce vote.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.S.B. 359 as follows:

(1) Strike Sections 82.038(d) and (e) (Committee Printing page 4, lines 45-70) and substitute the following:

(d) The board may not deny a person who successfully takes the bar examination a probationary license to practice law solely because the person:

- (1) suffers from chemical dependency; or
- (2) has been convicted of or is on probation for a first offense of driving while intoxicated under Article 67011-1, Revised Statutes.

(e) The board shall specify the conditions of a probationary license to practice law, which must be designed to protect the public from the potential harm the person might cause. Conditions of a probationary license may include one or more of the following:

- (1) prohibiting the person from using alcohol or controlled substances;
- (2) treatment for chemical dependency;
- (3) supervision of the person's work by a licensed attorney;
- (4) periodic reporting by the person to the board; or
- (5) suspension, for a portion of the probationary period, of an activity for which a license to practice law is required.

(f) A probationary license issued under this section expires on the second anniversary of the date on which the license is issued. A person who holds a probationary license may apply for a renewal of the probationary license or for a regular license to practice law. The board, after redetermination of the character and fitness of a person who holds a probationary license, may recommend to the supreme court that it grant the person a regular license to practice law. The redetermination must include an evaluation of the person by a treatment facility.

(2) In Section 82.038 (Committee Printing page 5, line 1), strike "(f)" and substitute "(g)".

(3) In Section 82.038 (Committee Printing page 5, line 5), strike "(g)" and substitute "(h)".

(4) In Section 82.038 (Committee Printing page 5, line 7), strike "(h)" and substitute "(i)".

The amendment was read and was adopted by a viva voce vote.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 5

Amend C.S.S.B. 359 in Section 82.038(e) (Committee Printing page 4, line 69), between “facility.” and “The board”, by inserting “The board may not recommend to the supreme court that the person be granted a regular license to practice law unless the board finds that the person has successfully completed treatment and has been free from chemical dependency for the preceding two years.”

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 359 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 359 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Bivins.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 967 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 967, Relating to requirements that certain actions involving an insurance corporation and a resident of this state be brought in the courts of this state.

The bill was read second time.

Senator Lyon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 967** by striking the word “removed” on line 10 and replacing it with the word “transferred”.

The committee amendment was read and was adopted by a viva voce vote.

Senator Lyon offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **S.B. 967** by striking the language on line 11 and line 12 after the word “state” on line 11 and renumber accordingly.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Lyon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 967 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 967 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Bivins.

The bill was read third time and was passed by a viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber
May 10, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 523, Relating to the disclosure of certain confidential or employment information by the banking commissioner or to a financial institution.

S.B. 1109, Relating to student center fees at public institutions of higher education in the Texas State University System.

S.B. 603, Relating to the Texas Incentive and Productivity Commission. (As substituted)

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 829 ON SECOND READING

Senator Whitmire asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 829, Relating to an increase in license and permit fees for the retail sale of certain alcoholic beverages in certain counties.

There was objection.

Senator Whitmire then moved to suspend the regular order of business and take up S.B. 829 for consideration at this time.

The motion prevailed by the following vote: Yeas 17, Nays 8.

Yeas: Green, Haley, Harris of Tarrant, Henderson, Johnson, Krier, Lucio, Lyon, Moncrief, Montford, Ratliff, Rosson, Sibley, Tejeda, Turner, Whitmire, Zaffirini.

Nays: Armbrister, Barrientos, Brooks, Ellis, Glasgow, Parker, Sims, Truan.

Absent: Brown, Carriker, Dickson, Harris of Dallas, Leedom.

Absent-excused: Bivins.

The bill was read second time.

Question—Shall the bill be passed to engrossment?

On motion of Senator Brooks and by unanimous consent, further consideration of S.B. 829 was postponed until a time certain of 11:00 a.m. Wednesday, May 15, 1991.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced a group of students from Buenos Aires and Ryan Elementary schools of Laredo.

The Senate welcomed these guests.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
May 9, 1991

TO THE SENATE OF THE SEVENTY-SECOND LEGISLATURE, REGULAR SESSION:

On April 25, 1991, I appointed Donald W. Sowell of Prairie View to the Texas Housing Agency Board of Directors for a term to expire January 31, 1993. I request that the Senate return this appointment to me.

Austin, Texas
May 10, 1991

On April 15, 1991, I nominated Dan Roberts of Fort Worth for appointment to the Texas Board on Aging for a term to expire February 1, 1997. I request that the Senate return this appointment to me.

Respectfully submitted,
/s/Ann W. Richards
Governor of Texas

NOMINATIONS RETURNED

On motion of Senator Barrientos and by unanimous consent, the Senate agreed to grant the request to return to the Governor the nominations of Donald W. Sowell, to be a member of the Texas Housing Agency Board of Directors, and Dan Roberts, to be a member of the Texas Board on Aging.

THE SENATE OF THE STATE OF TEXAS

Betty King
Secretary of the Senate

May 10, 1991

The Honorable Ann W. Richards
Governor of Texas
Capitol Building
Austin, Texas

Dear Governor Richards:

During today's session, the Senate granted your request to return the following two appointments:

Donald W. Sowell of Prairie View to the Texas Housing
Agency Board of Directors

Dan Roberts of Fort Worth to the Texas Board on Aging

Respectfully,

/s/Betty King
Secretary of the Senate

SENATE BILL 406 WITH HOUSE AMENDMENTS

Senator Barrientos called S.B. 406 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Amendment - Yarbrough

Amend S.B. 406 by substituting the following:

A BILL TO BE ENTITLED AN ACT

relating to legislative leave for peace officers and fire fighters.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. APPLICATION. This Act applies to a peace officer or fire fighter employed by:

- (1) the state;
- (2) a municipality with a population of 200,000 or more; or
- (3) a county with a population of 500,000 or more.

SECTION 2. DEFINITIONS. In this Act:

(1) "Peace officer" means a person elected, appointed, or employed to serve as a peace officer for a governmental entity under Article 2.12, Code of Criminal Procedure, or other law.

(2) "Fire fighter" means a member of a fire department who performs a function listed in Subdivision (4), Section 143.003, Local Government Code, regardless of whether the person is subject to a civil service system or program.

(3) "Employer" means the governmental entity that employs or appoints a peace officer or fire fighter or that the peace officer or fire fighter is elected to serve.

SECTION 3. LEGISLATIVE LEAVE. (a) A peace officer or fire fighter is entitled to legislative leave in order to serve in or to appear before or to petition a governmental body during a regular or special session of that body as prescribed by this Act.

(b) To be eligible for legislative leave, a peace officer or fire fighter must submit a written application to the person's employer on or before the 30th day before the date the peace officer or fire fighter intends to begin the legislative leave. The application must indicate the length of the requested leave and state that the peace officer or fire fighter is willing to reimburse the employer for any wages, pension, or other costs the employer will incur as a result of the leave. The length of the requested leave may not exceed the length of the session.

(c) Within 30 days after the date the employer receives the application, the employer shall notify the peace officer or fire fighter in writing of the actual amount of money required to offset the costs the employer will incur. The employer may require the peace officer or fire fighter to post the money before granting the leave. The peace officer or fire fighter shall submit to the employer a sworn statement identifying the source of the funds used.

(d) The employer shall grant legislative leave to a peace officer or fire fighter who submits an application as prescribed by this Act and who complies with any requirement relating to payment of costs unless an emergency exists or unless

granting the leave will result in an insufficient number of employees to carry out the normal functions of the employer.

(e) If the employer determines that granting a legislative leave will result in an insufficient number of employees to carry out the normal functions of the employer, another peace officer or fire fighter of equal rank may volunteer to work in the applicant's place on an exchange-of-time basis as long as no overtime results. If a peace officer or fire fighter volunteers to work in the applicant's place and no overtime will result, the employer shall allow the volunteer to work for the applicant. If the volunteer work will solve the problem of having an insufficient number of employees, the employer shall grant the legislative leave.

(f) Legislative leave may not be construed as a break in service for any purpose, including the determination of seniority, promotions, sick leave, vacations, or retirement. Legislative leave shall be treated as any other paid leave, including vacation or sick leave, except that the employer may require reimbursement of all costs associated with the leave in accordance with this Act.

(g) Legislative leave granted under this Act to a peace officer or fire fighter to attend a session of the Congress of the United States shall be granted for a period not to exceed 30 percent of the applicant's total annual working days during each year in which leave is requested.

SECTION 4. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment on Third Reading - Granoff

Amend C.S.S.B. 406 on third reading, on page 3, between line 17 and line 18, by inserting the following:

(h) A peace officers' or fire fighters' association may not reimburse a member of the legislature or an employer of a peace officer or fire fighter who serves as a member of the legislature for wages, pension contributions, or other costs incurred as a result of legislative leave taken under this Act.

The amendments were read.

Senator Barrientos moved to concur in the House amendments to S.B. 406.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Bivins.

**COMMITTEE SUBSTITUTE
SENATE BILL 841 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 841, Relating to the regulation of diagnostic radiology centers.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 841 ON THIRD READING**

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 841 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Bivins.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 371 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 371, Relating to court costs imposed by a county to establish and maintain an alternative dispute resolution system.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 371 ON THIRD READING**

Senator Ellis moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 371 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Bivins.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 1508 ON SECOND READING

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1508, Relating to county health and accident coverage through a risk pool.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1508 ON THIRD READING

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 1508 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Bivins.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1186 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1186, Relating to the continuation and operation of the State Bar of Texas and to the state bar's and the state supreme court's functions concerning the regulation of attorneys.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.H.B. 1186** as follows:

(1) Insert the following section, appropriately numbered, to read as follows:
SECTION _____, Subchapter C, Chapter 81, Government Code, is amended by adding Section 81.055 to read as follows:

Sec. 81.055. ADDITIONAL LIBRARY MEMBERSHIP FEE. (a) Each member of the state bar who is required to pay a membership fee under Section 81.054 shall also pay an additional annual \$10 State Law Library fee. The fee is due at the same time as the membership fee and shall be paid to the clerk of the supreme court.

(b) The clerk of the supreme court shall send the fees collected under this section to the comptroller at least as frequently as quarterly. The comptroller shall deposit the fees in the state treasury to the credit of a special account. Funds in the special account may only be appropriated for the administration and maintenance of the State Law Library.

(2) Renumber the following sections accordingly.

The amendment was read.

On motion of Senator Brooks, the amendment was tabled by a viva voce vote.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.H.B. 1186** on page 2, line 8, by striking "September 1, 2003[1991]." and substituting "December 31 [September 1], 1991. The abolition date prescribed by this subsection does not require the Sunset Advisory Commission to conduct any review or prepare any report other than the review undertaken before the convening of the 72nd Legislature, Regular Session, 1991, or the report submitted to that legislature."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1186 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.H.B. 1186** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Bivins.

The bill was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Haley was recognized and introduced a group of fourth grade students and their teachers from Lufkin.

The Senate welcomed these guests.

COMMITTEE SUBSTITUTE SENATE BILL 1212 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1212, Relating to the recruitment of teachers.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1212 ON THIRD READING

Senator Lucio moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1212** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Harris of Tarrant.

Absent-excused: Bivins.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Harris of Tarrant asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILLS REREFERRED

On motion of Senator Turner and by unanimous consent, the following bills were withdrawn from the Committee on Natural Resources and rereferred to the Committee on Intergovernmental Relations:

H.B. 2382

H.B. 2383

H.B. 2399

H.B. 2465

SENATE RULE 11.11 SUSPENDED

On motion of Senator Dickson and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Economic Development might consider **S.B. 545** on Monday, May 13, 1991.

SENATE BILL 1020 RECOMMITTED

On motion of Senator Dickson and by unanimous consent, S.B. 1020 was recommitted to the Committee on Economic Development.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Dickson and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Economic Development might consider S.B. 1020 on Monday, May 13, 1991.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Truan and by unanimous consent, Senate Rule 11.11 was suspended in order that the Subcommittee on Water might consider S.B. 1404 on Monday, May 13, 1991.

**COMMITTEE SUBSTITUTE
SENATE BILL 1341 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1341, Relating to the regulation of persons engaged in removing asbestos from public buildings or disturbing, encapsulating, or enclosing that asbestos; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1341 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1341 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Bivins.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2674 ON SECOND READING**

On motion of Senator Turner and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 2674, Relating to the Tenth Court of Appeals District.

The bill was read second time.

Senator Turner offered the following amendment to the bill:

Amend C.S.H.B. 2674 on page 1, lines 21 and 22 as follows:

After the words "Government Code," add the following: "by amending subsection (a) and adding a new subsection (c) to read as follows:" and deleting the words "is amended to read as follows:"

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Turner and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2674 ON THIRD READING**

Senator Turner moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.H.B. 2674 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Bivins.

The bill was read third time and was passed by a viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber
May 10, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to **H.B. 30** by a non-record vote.

The House has concurred in Senate amendments to **H.B. 486** by a non-record vote.

The House has concurred in Senate amendments to **H.B. 957** by a non-record vote.

The House has concurred in Senate amendments to **H.B. 1128** by a non-record vote.

The House has concurred in Senate amendments to **H.B. 916** by a record vote of 129 Ayes, 0 Noes, 2 Present-not voting.

The House has concurred in Senate amendments to **H.B. 961** by a record vote of 128 Ayes, 0 Noes, 2 Present-not voting.

The House has concurred in Senate amendments to **H.B. 1847** by a record vote of 131 Ayes, 0 Noes, 1 Present-not voting.

The House has refused to concur in Senate amendments to **H.B. 1181**, and has requested the appointment of a Conference Committee to consider the differences between the two Houses. The following have been appointed on the part of the House: Holzhauser, Chair; Robnett, H. Cuellar, Jackson, Von Dohlen.

The House has refused to concur in Senate amendments to **H.B. 1214**, and has requested the appointment of a Conference Committee to consider the differences between the two Houses. The following have been appointed on the part of the House: R. Lewis, Chair; Kuempel, Bomer, Saunders, Earley.

The House has refused to concur in Senate amendments to **H.B. 524**, and has requested the appointment of a Conference Committee to consider the differences

between the two Houses. The following have been appointed on the part of the House: Cain, Chair; Russell, Finnell, Black, A. Hill.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

MEMORIAL RESOLUTION

H.C.R. 184 - (Ellis): In memory of Officer Sandra Ann Robbins of the South Houston Police Department.

CONGRATULATORY RESOLUTIONS

S.C.R. 136 - By Brooks: Commending Dr. Robert Bernstein for his innumerable contributions to the field of health and to the State of Texas.

S.C.R. 137 - By Harris of Dallas: Honoring J. J. Pearce High School and Lake Highlands High School.

S.R. 710 - By Green: Recognizing Raymond E. Pyle, Sr., on the joyful occasion of his 55th birthday.

S.R. 712 - By Johnson: Honoring Parents Anonymous of Texas, Incorporated, for the important community service it provides in helping individuals and families achieve personal victories and break the painful pattern of abusive relationships.

S.R. 713 - By Parker: Extending congratulations to The Honorable and Mrs. Albert Wadel Moursand III on the occasion of their 50th wedding anniversary, May 8, 1991.

S.R. 714 - By Barrientos: Commending Dr. Jan Frances Triplett for being selected as both the District Small Business Advocate and the State Small Business Advocate in 1991 by the United States Small Business Administration.

S.R. 715 - By Rosson: Recognizing Cormac McCarthy for his induction into the Authors of the Pass: El Paso Herald-Post Writers Hall of Fame on May 10, 1991.

S.R. 716 - By Rosson: Paying tribute to the life and works of H. Gordon Frost, whose writings are priceless gifts to the citizens of Texas.

S.R. 717 - By Rosson: Paying tribute to The University of Texas at El Paso Professor Emeritus William H. Timmons for his significant contributions to the State of Texas and congratulating him for being honored at the Sixth Annual Authors of the Pass ceremony: El Paso Herald-Post Writers Hall of Fame celebration.

S.R. 718 - By Rosson: Commending eminent author Robert Skimin for his exceptional work and congratulating him for being inducted into the El Paso Herald-Post Writers Hall of Fame.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 2:52 p.m. adjourned until 11:00 a.m. Monday, May 13, 1991.